

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSEPH A. PAKOOTAS, an
individual and enrolled
member of the Confederated
Tribes of the Colville
Reservation; and DONALD
R. MICHEL, an individual
and enrolled member of the
Confederated Tribes of the
Colville Reservation, and THE
CONFEDERATED TRIBES OF
THE COLVILLE RESERVATION,

Plaintiffs,

and

THE STATE OF WASHINGTON,

Plaintiff-Intervenor,

vs.

TECK COMINCO METALS, LTD.,
a Canadian corporation,

Defendant.

No. CV-04-256-LRS

**ORDER GRANTING
MOTION FOR
RECONSIDERATION**

BEFORE THE COURT is the Plaintiffs' Motion For Reconsideration (ECF No. 1876).

Defendant concedes reconsideration is appropriate and it clearly is based on Defendant's assertion that personal jurisdiction and arranger status remain as issues in this litigation, wholly independent of the issue of release or threatened

**ORDER GRANTING MOTION
FOR RECONSIDERATION-**

1 release.

2 Plaintiffs' Motion For Reconsideration (ECF No. 1876) is **GRANTED**.
3 The Plaintiffs will be allowed to offer percipient witness testimony which is
4 relevant to the issues of personal jurisdiction and arranger status, including
5 evidence regarding Defendant's intent with respect to its disposal of slag and
6 effluent. Objections to this testimony, other than on the basis of relevance, are
7 preserved and will be ruled on at the appropriate time.¹

8 No later than **September 7, 2012**, Plaintiffs may serve and file a
9 supplemental trial brief and supplemental proposed findings of fact and
10 conclusions of law limited to the issues of personal jurisdiction and arranger
11 status.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter
13 this order and forward copies to counsel of record.

14 **DATED** this 31st day of August, 2012.

15
16 s/Lonny R. Suko
17 **LONNY R. SUKO**
18 United States District Judge
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24 To the extent testimony is offered by deposition, the court will consider and
25 rule upon the objections in conjunction with its review of deposition testimony.

26 The court does not anticipate making pre-trial rulings on those objections.

27 **ORDER GRANTING MOTION**

28 **FOR RECONSIDERATION-**